

**4A-204. Domestic relations forms; divorce cases; forms needed; filing fee.**

A. **Forms to be filed.** In an uncontested divorce proceeding, the parties need to file the following completed forms with the court:

(1) a Domestic Relations Information Sheet, Domestic Relations Form 4A-102 NMRA;

(2) a Petition for Dissolution of Marriage. There are two forms provided for uncontested divorce cases:

(a) use Domestic Relations Form 4A-301 NMRA if there are no children; and

(b) use Domestic Relations Form 4A-302 NMRA if the parties have minor children;

(3) a Verified Marital Settlement Agreement. Once the judge signs the Final Decree of Dissolution of Marriage form, the parties are required to do the things agreed to do in the Verified Marital Settlement Agreement. There are two Verified Marital Settlement Agreement forms provided for uncontested divorce cases:

(a) use Domestic Relations Form 4A-311 NMRA unless the parties have a home, mobile home, a motor vehicle or will divide retirement or a pension. Do not use this form if spousal support will be paid; and

(b) use Domestic Relations Form 4A-312 NMRA if the parties own a home, mobile home, motor vehicle, retirement plan or if spousal support is to be paid;

(4) a Final Decree of Dissolution of Marriage. There are two final decree forms provided for uncontested divorce cases:

(a) use Domestic Relations Form 4A-321 NMRA when there are no minor

children; and

(b) use Domestic Relations Form 4A-322 NMRA when the parties have minor children; and

(5) if the parties have minor children or the parties have a child under 19 years of age who is attending high school, a Parenting Plan and Child Support Obligation. Domestic Relations Form 4A-313 NMRA is provided. Once the judge signs the Final Decree of Dissolution of Marriage form, the parties are ordered by the court to do the things they have agreed to do in the Parenting Plan and Child Support Obligation; and

(6) if the parties have minor children or a child under 19 who is attending high school, a child support worksheet. *See* Section 40-4-11.1 NMSA 1978 for the child support worksheet. It is recommended that self-represented parties use the interactive child support worksheet form that is available on the Internet at [www.nmcourts.com](http://www.nmcourts.com), click on "Family Law Forms". This form automatically determines the monthly child support obligation.

**B. Type or print.** The parties must type or print all of the information required to be completed on the forms. Many forms may be downloaded and completed or completed on-line. *See* Domestic Relations Form 4A-100 NMRA for the availability of forms. If a pre-printed form is being used by the parties and there is not enough room on the form to provide all of the information required, use a separate page for the information and staple the page to the pre-printed form before making copies and filing the form with the court.

**C. Sign the pleadings.** A party's signature on a pleading or paper filed with the court constitutes a certificate that the party has read the paper and that to the best of the party's knowledge, information and belief there is good grounds to support it.

D.     **Forms required to be signed before a notary.** Both the husband and wife must sign the following pleadings and papers before a notary:

(1)     the Petition for Dissolution of Marriage, Domestic Relations Forms 4A-301 or 4A-302 NMRA;

(2)     the Verified Marital Settlement Agreement, Domestic Relations Forms 4A-311 or 4A-312 NMRA;

(3)     if there are minor children or a child under 19 years of age who is attending high school, the Parenting Plan and Child Support Obligation, Domestic Relations Form 4A-313 NMRA.

E.     **File the forms with the court.** After the parties have completed and signed the forms, the parties must file them with the court clerk.

F.     **Required number of copies.** After completing the forms make two (2) copies. An original and two (2) copies of each form must be filed.

G.     **Pay the filing fee.** A filing fee must be paid to the clerk in cash or money order at the time the petition and information sheet are filed unless free process is approved.

[Approved, effective November 15, 2002.]